

Application No.: 10/773,447**Docket No.: 713-1058**

The election was made *with traverse* for the following reasons.

The Restriction Requirement between the inventions of Group I and II is traversed, because the Examiner's has failed to properly indicate that the invention of Group I has separate utility. In particular, the Examiner suggested "separate" utility, i.e., as a strip of fasteners, is actually the same as with the invention of Group II.

Furthermore, in this particular case, the Examiner has demonstrated, in the first Office Action dated February 24, 2005, her ability to apply the same reference and examine, without serious burden, original claims 5 and 7 drawn to the inventions of Groups I and II, respectively. Accordingly, Applicants respectfully submit that the claims directed to the inventions of Groups I and II can be covered in a single search without serious burden on the Examiner and should be examined on the merits, even if the Examiner is correct that the inventions of Groups I and II are independent or distinct. *See MPEP*, section 803.

The Restriction Requirement between the inventions of Group III and II is traversed, because the search and examination of the claims drawn to the inventions of Groups III and II can be made without serious burden. *See MPEP*, section 803 (If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions). In this particular case, Groups III and II share the same classification (class 227 and subclass 120) and therefore can be covered in a single search without serious burden on the Examiner. *See* paragraph 2 of the Restriction Requirement.

The Restriction Requirement between the inventions of Group III and I is traversed, because

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the Examiner's allegation that the combination as claimed (Group III) is not limited to the strip of fasteners of the sub-combination (Group I) is inaccurate. Note, for example, that claim 25 (Group III) depends from claim 24 which in turn depends from claim 22 which in turn depends from claim 11. Thus, claim 25 depends from claim 11 and the combination of claim 25 (Group III) is limited to the strip of fasteners of the sub-combination of claim 11 (Group I), contrary to the Examiner's allegation. Likewise, claim 27 depends from claim 11 (with intervening claim 26) and the combination of claim 27 (Group III) is limited to the strip of fasteners of the sub-combination of claim 11 (Group I).

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Of particular note, the following errors are also found in the Examiner's Restriction Requirement.

1. Claim 22 does not belong to Group II as indicated in the Restriction Requirement. Claim 22 is drawn to a combination comprising a strip of fasteners, and should therefore belong to Group III.
2. The Examiner has failed to specify to which Group claim 23 belongs. Clarification is respectfully requested. Applicants respectfully submit that since claim 23 depends from claim 22, it belongs to the same group as claim 22, i.e., Group III.
3. The Examiner has failed to specify to which Group claim 24 belongs. Clarification

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is respectfully requested. Applicants respectfully submit that since claim 24 is directed to a combination of a strip of fasteners (note claim 22 from which claim 24 depends) and a fastening apparatus (note the first line of claim 24), it belongs to Group III.

4. Claim 26 does not belong to Group II as indicated in the Restriction Requirement. Claim 26 is drawn to a combination comprising a strip of fasteners, and should therefore belong to Group III.

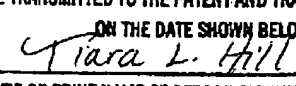
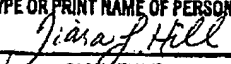
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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